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6 Representing the United States of America

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

Plaintiff,

10 v.

11 JOLENE FRANCES ALECK,

12 Defendant.
13

Case No. 3:16-cr-00065-MMD-VPC

GOVERNMENT'S MOTION TO DISMISS
INDICTMENT AND PROPOSED ORDER
FOR DISMISSAL

14 Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by Government motion,
15 and by leave of Court endorsed hereon, the United States Attorney for the District of Nevada hereby
16 moves to dismiss the Superseding Indictment filed on October 11, 2017, against JOLENE FRANCES
17 ALECK, Defendant herein. After having reviewed the Court's Order Denying Government's Motion
18 for Reconsideration [Doc. No. 67] and the Amended Order [ECF 69], the Government consulted
19 internally with Department of Justice personnel and has concluded it cannot proceed to trial and
20 simultaneously remain in compliance with the Court's order to disclose the personnel files of a non-
21 testifying BIA agent because it believes in good faith that those files are protected by provisions of the
22 Privacy Act of 1974, 5 U.S.C. § 552a. Therefore, as the Government does not wish to run afoul of the

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1 Court's orders, the Government moves to dismiss the Superseding Indictment without prejudice.

2 DATED this 27th day of October, 2017.

3 STEVEN W. MYHRE
4 Acting United States Attorney

5 /s/ Shannon M. Bryant
6 SHANNON M. BRYANT
7 Assistant United States Attorney
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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOLENE FRANCES ALECK,

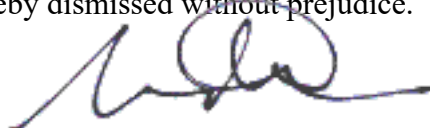
7 Defendant.

Case No. 3:16-cr-00065-MMD-VPC

ORDER DISMISSING INDICTMENT

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9 The Court, having received and reviewed the Government's Motion to Dismiss Indictment, and
10 pursuant to Fed.R.Crim.P. 48(a), does hereby grant the Motion. The Indictment in the above-captioned
11 matter previously filed on October 11, 2017, is hereby dismissed without prejudice.

12 Dated: October 27, 2017



13 MIRANDA M. DU
14 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

The undersigned hereby certifies, under penalty of perjury, that I am an employee in the Office of the United States Attorney for the District of Nevada and that pursuant to LCR 47-11, I caused to be electronically filed on this date, a true and correct copy of the **GOVERNMENT'S MOTION TO DISMISS INDICTMENT AND ORDER TO DISMISS** with the Clerk of the Court using the CM/ECF system, which will automatically e-serve the same on the attorneys of record set forth below:

LAUREN GORMAN, Asst. FPD
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lauren_gorman@fd.org
chris_frey@fd.org

Dated this 27th day of October, 2017

By: /s/ Shannon M. Bryant